

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR
SYSTEMS PRODUCTS LIABILITY
LITIGATION

Master File No. 2:12-MD-02327
MDL 2327

ETHICON WAVE 8 CASES LISTED IN
EXHIBIT A OF DEFENSE NOTICE OF
ADOPTION

JOSEPH R. GOODWIN
U.S. DISTRICT JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE OF
BRIAN RAYBON, M.D. FOR WAVE 8**

Comes now, the Plaintiffs, and hereby adopt and incorporate by reference the Daubert response filed against Brian Raybon, M.D., for Ethicon Wave 1, Dkt. 2201. Plaintiffs respectfully request that the Court deny Defendants' motion, for the reasons expressed in the Wave 1 response briefing.

Additionally, in response to Ethicon's argument that "Dr. Raybon lacks the 'additional expertise' required" to give opinions about warnings, such a ruling should only apply to opinions regarding whether the product warnings complied with FDA requirements. As this Court has held in assessing Dr. Raybon's expertise, "as an experienced urogynecologist, [Dr. Raybon] may testify about the risks he perceives that the [product] poses to patients and then opine that the [product's] IFU did not convey those risks." *Wise v. C.R. Bard, Inc.*, No. 2:12-CV-01378, 2015 WL 521202, at *14 (S.D. W. Va. Feb. 7, 2015).

Dated: October 23, 2018

Respectfully submitted,

/s/ D. Renee Baggett

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2018, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

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